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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,595	01/12/2004	Trudy Campellone	119569-00101	8028
27557	7590	10/20/2005	EXAMINER	
BLANK ROME LLP 600 NEW HAMPSHIRE AVENUE, N.W. WASHINGTON, DC 20037			DOOLEY, JAMES C	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/754,595	CAMPELLONE ET AL.	
	Examiner	Art Unit	
	James C. Dooley	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 January 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-17 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 12 January 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/03/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The language "the present invention" used in lines 1 and 2 of the Abstract is improper and must be removed.

1. The use of the trademarks Flexiglass™ and Plexiglas™ has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

The trademark Flexiglass™ has been used in the specification on page 6 lines 13 and 14. The trademark Plexiglas™ has been used in the specification on page 6 line 12.

Claim Objections

2. Claim 6 objected to because of the following informalities:

a. Wherein each (of) the opening(s) has...

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 8 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has designated the top surface as being made from Flexiglass™. Flexiglass™ is a brand name and the owner of this brand is capable of changing the physical properties of Flexiglass™ while retaining the brand. Therefore the metes and bounds of these are unclear as the material used is subject to change.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, are rejected under 35 U.S.C. 102(b) as being anticipated by Aldridge et al. (US 5,572,934). Aldridge et al. show a stand featuring:
- a. A top surface (12)
 - b. A frame (16)
 - c. Linearly arranged openings (26)
 - d. Foldable legs (22; col. 2 ln. 25-26)

It is clear from Figure 1 that the legs of Aldridge et al. extend downwardly from the top surface.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aldridge et al. ('934) alone. Aldridge et al. disclose a stand having a frame, top surface, openings in the top surface, and foldable legs. Aldridge et al. do not disclose the specific dimensions of the size and spacing of the openings in the top surface. Aldridge et al. do not disclose the tabletop being made from Flexiglass™.

5. Although, Aldridge et al. do teach the specific dimensions of the openings, it would have been obvious to one with ordinary skill in the art at the time of the invention

Art Unit: 3634

to size and space these holes according to any dimension. The motivation being to create a design appropriate for a specific function.

6. Aldridge et al. teach the tabletop and frame being made of plastic (col. 1 ln. 65-67). Flexiglass™ is a type of plastic. Accordingly, it would have been obvious to one with ordinary skill in the art at the time of the invention to use any type of plastic material for the tabletop and frame. The motivation being to choose an appropriate material according to function and cost.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aldridge ('934) in view of Chappell (US 4,524,701). Aldridge et al. disclose a stand as described above. Aldridge et al. do not disclose the frame of the stand being made from PVC pipe. Chappell teaches a stand having top surface with a plurality of linearly arranged apertures, and a frame being made from PVC pipe (col. 4 ln 40-43). Accordingly, it would have been obvious to one with ordinary skill in the art at the time of the invention to modify the design of Aldridge to include a frame made from PVC pipe. The motivation being that PVC "is readily available in convenient sizes and is inexpensive." (Chappell col. 4 ln. 43-44)

8. Claims 10-14, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aldridge et al. ('934) in view of Zimmermann (5,375,370). Aldridge et al. disclose a stand having a frame, top surface, openings in the top surface, and foldable legs.

Art Unit: 3634

Aldridge et al. do not disclose a method of displaying flowers in the openings. Aldridge et al. do not disclose the specific dimensions of the size and spacing of the openings in the top surface. Aldridge et al. do not disclose the tabletop being made from Flexiglass™ or the frame being made from PVC. Zimmermann teaches a flower arrangement holder having a top surface (11), collapsible legs (col. 4 ln. 37-40), and openings in the top surface (13,14,15,16,17).

9. The stand of Aldridge et al. is capable of receiving flower bouquets. Accordingly, it would have been obvious to one with ordinary skill in the art at the time of the invention to utilize the apertures of Aldridge et al. for arranging flowers as taught by Zimmerman. The motivation would be to adapt the stand to perform a specific function.

10. Although, neither Aldridge et al. nor Zimmerman teach the specific dimensions of the openings, Zimmerman does teach using the stand for arranging flowers. Accordingly, it would have been obvious to one with ordinary skill in the art at the time of the invention to size and space these holes according to any type of flower holder used in conjunction therewith. The motivation being to create a design appropriate for the size and shape of the flower bouquets being arranged.

Aldridge et al. teach the tabletop and frame being made of plastic (col. 1 ln. 65-67). Flexiglass™ is a type of plastic. Accordingly, it would have been obvious to one with ordinary skill in the art at the time of the invention to use any type of plastic material for

the tabletop and frame. The motivation being to choose an appropriate material according to function and cost.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aldridge ('934) and Zimmerman ('370) as applied to Claim 10-14, 16-17 and further in view of Chappell (US 4,524,701). Aldridge et al. and Zimmermann disclose a stand capable of receiving flower bouquets. Neither Aldridge et al. nor Zimmermann disclose the frame of the stand being made from PVC pipe. Chappell teaches a stand having top surface with a plurality of linearly arranged apertures, and a frame being made from PVC pipe (col. 4, ln. 40-43). Accordingly, it would have been obvious to one with ordinary skill in the art at the time of the invention to modify the design of Aldridge to include a frame made from PVC pipe. The motivation being that PVC "is readily available in convenient sizes and is inexpensive." (Chappell col. 4 ln. 43-44)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James C. Dooley whose telephone number is 571-2721679. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jennifer E. Novosad
Primary Examiner
Art Unit 3634

10/14/2005